

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

Jessica Rae Anderson,

Plaintiff,

Civil No: _____

v.

Walmart Inc.,

Defendant.

SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT(S):

¶1. YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an Answer or other proper response within twenty (20) days after the service of this Summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

DATED this 15th day of December, 2021

HAUGEN MOECKEL & BOSSART

Stacey Tj Bossart

STACEY TJON BOSSART
1123 5th Avenue South – Lower Level
Fargo, ND 58103
Phone: (701) 237-0100
Fax: (701) 365-8052
ND Attorney ID No: 05440
MN Attorney ID No. 0266322
Attorney for Plaintiff, Jessica Rae Anderson
staceyb@lpllaw.net

EXHIBIT
A

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

Jessica Rae Anderson, Plaintiff, v. Walmart Inc., Defendant.	Civil No: _____ COMPLAINT AND DEMAND FOR JURY TRIAL
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¶1. COMES NOW, Plaintiff, Jessica Rae Anderson, by and through her attorney, Stacey Tjon Bossart of Haugen Moeckel & Bossart, 1123 5th Avenue South – Lower Level, Fargo, ND 58103, and for her cause of action against Defendant, Walmart Inc., does hereby state and allege as follows:

¶2. 1. At all times mentioned herein, Plaintiff, Jessica Rae Anderson (hereinafter referred to as “Anderson”), has been a resident of the City of West Fargo, County of Cass, and State of North Dakota.

¶3. 2. At all times mentioned herein, and upon information and belief, Defendant, Walmart Inc., (hereinafter referred to as “Walmart”) has been a North Dakota Foreign Business Corporation, active and good standing, and doing business in Fargo, North Dakota.

¶4. 3. The subject fall in this case occurred at the Walmart store located at 3757 55th Avenue South, Fargo, ND 58104 (52nd Ave store) and therefore venue is appropriate in Cass County.

¶5. 4. This Court has jurisdiction over the above-named parties and over the subject matter of this action.

¶6. 5. On August 10, 2018, Anderson approached the entrance doors to the store and entered as the doors automatically slid open.

¶7. 6. As she approached the inside sliding doors, she tripped on buckled tile located in the entry way and as a result fell to the ground.

¶8. 7. As a result of this, Anderson suffered serious and considerable injuries, including, but not limited to, injuries to her right elbow, right hip, and the right side of her body generally.

¶9. 8. Anderson suffered significant physical impairment secondary to her injuries and she continues to suffer some deficits, which may be permanent, including but not limited to, pain, weakness, and decreased range of motion.

CAUSE OF ACTION - NEGLIGENCE

¶10. 9. Plaintiff incorporates paragraphs 1-8 of her Complaint against the Defendant to this action.

¶11. 10. Walmart, its employees, agents, servants, or other person acting on their behalf, had a duty to exercise reasonable care in its maintenance, control and inspection of Walmart, including the entryways, so as to not injure those lawfully on the premises, such as Anderson.

¶12. 11. Walmart, its employees, agents, servants, or other persons acting on their behalf, breached its duty when it acted negligently, and acted without due regard for the safety of Anderson, by failing to properly maintain the floor in a reasonably safe condition, including but not limited to: repairing the bulging rubber tile in the entryways to the store where she had to walk to gain entrance to the store thereby not making it possible for Anderson to appreciate and avoid the danger created by Walmart, its employees, agents, servants or other person acting on their behalf.

¶13. 12. As a direct and proximate cause of the negligence of Walmart, its employees, agents, servants or other person acting on their behalf, Anderson suffered serious injuries to her

right elbow, right shoulder, right hip and generally the right side of her body, for which some injuries resulted in surgical intervention.

¶14. 13. As a further direct and proximate result of the negligence of Walmart, its employees, agents, servants or other person acting on its behalf, Anderson has suffered, and may suffer in the future, economic damages, including but not limited to, medical expenses, lost wages and loss of earning capacity, in an amount to be proven at the trial of this matter.

¶15. 14. As a further direct and proximate result of the negligence of Walmart, its employees, agents, servants or other person acting on its behalf, Anderson has suffered, and will in the future suffer, non-economic damages, including, but not limited to, pain, suffering, mental anguish, permanent impairment, permanent disfigurement, and emotional distress in a reasonable sum but not less than \$50,000.

WHEREFORE, Plaintiff, Jessica Anderson, prays for Judgment against Defendant, Walmart Inc., as follows:

¶16. 1. Recovery of reasonable damages as compensation for past and future medical expenses; and,

¶17. 2. Recovery of reasonable damages in an amount in excess of \$50,000 for past and future pain, inconvenience, physical impairment, mental anguish, emotional distress, loss of consortium and other non-pecuniary damages; and,

¶18. 3. Costs and disbursements of this action; and,

¶19. 4. Interest; and,

¶20. 5. For such other and further relief as the Court may deem just and equitable.

JURY DEMAND

¶21. Plaintiff hereby demands a trial by jury in this case as to such issues so triable.

DATED this 15th day of December, 2021

HAUGEN MOECKEL & BOSSART

Stacey Tj Bossart

STACEY TJON BOSSART
1123 5th Avenue South – Lower Level
Fargo, ND 58103
Phone: (701) 237-0100
Fax: (701) 365-8052
ND Attorney ID No.: 05440
MN Attorney ID No.: 0266322
Attorney for the Plaintiff, Jessica Rae Anderson
staceyb@lpillaw.net

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CERT. NO. 7017 1000 000 1110 1402**

STATE OF NORTH DAKOTA)
)
) ss.
COUNTY OF CASS)

RE: Jessica Rae Anderson v. Walmart Inc.

¶1 LAKEN BURNS, being first duly sworn, deposes and says that on the 18th day of December, 2021, she served the attached

1. **SUMMONS; and**
2. **COMPLAINT AND DEMAND FOR JURY TRIAL**

by placing a true and correct copy thereof in an envelope, certified mail, return receipt requested, addressed as follows:

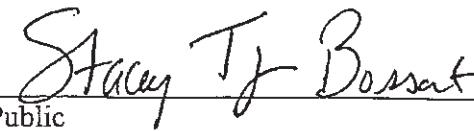
C T Corporation System
120 West Sweet Avenue
Bismarck, ND 58504

and depositing the same, with postage prepaid, in the United States mail.

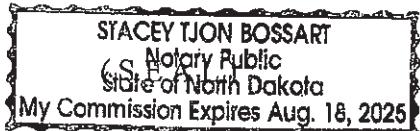


LAKEN BURNS

Subscribed and sworn to before me this 13th day of December, 2021.



Notary Public





TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE 1 STREET
BENTONVILLE, AR 72712-3148

RE: **Process Served in North Dakota**

FOR: WALMART INC. (Domestic State: DE)

**Service of Process
Transmittal**
12/17/2021
CT Log Number 540759873

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: Anderson Jessica Rae // To: WALMART INC.

DOCUMENT(S) SERVED: Letter, Summons, Complaint and Demand, Affidavit

COURT/AGENCY: Cass County District Court, East Central Judicial District, ND
Case # None Specified

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 08/10/2018, at 3757 55th Avenue South, Fargo, North Dakota 58104

ON WHOM PROCESS WAS SERVED: C T Corporation System, Bismarck, ND

DATE AND HOUR OF SERVICE: By Certified Mail on 12/17/2021 postmarked: "Not Post Marked"

JURISDICTION SERVED : North Dakota

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the date of service

ATTORNEY(S) / SENDER(S): Stacey Tjon Bossart
Haugen Moeckel & Bossart
1123 5th Avenue South - Lower Level
Fargo, ND 58103
701-237-0100

ACTION ITEMS: CT has retained the current log, Retain Date: 12/17/2021, Expected Purge Date: 12/22/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
120 W Sweet Ave.
Bismarck, ND 58504
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.